

### **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Office Action dated May 28, 2004, and the documents cited therewith.

No claims have been added or cancelled. Claim 18 has been amended to more clearly recite the claimed subject matter. Applicant respectfully submits that no new matter was added in amended claim 18, and that the originally filed specification fully supports the amendment.

Claims 1-41 are pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-4, 7-13, 15-22, 25-27, 29-33, 36-39, and 41 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,028,514 to Lemelson, *et al.* (hereinafter "Lemelson"). Applicant respectfully traverses the rejections as follows.

In the Office Action dated May 28, 2004, the Examiner asserted that Lemelson teaches all of the elements recited in Applicant's independent claims 1, 11, 18, 25, and 32. Applicant respectfully submits that Lemelson fails to teach all of the elements recited in claims 1, 11, 25, and 32, and fails to teach all of the elements of claim 18, as amended.

For example, Lemelson fails to teach, besides other things, a navigation device, as recited in claims 1, 11, 25, and 32.<sup>1</sup> The Examiner asserts that the "navigation device" recited in claims 1, 11, 25, and 32 are taught by Lemelson in Col. 10, lines 11-14. Lemelson, however, fails to support this assertion.

Lemelson provides that "[w]arning units 12 also receive communications from the monitor/response center 10 via the telecommunications and paging ground stations 11 . . ." (Col. 10, lines 11-13). Lemelson further provides that "[t]he warning units 12 calculate their precise geographic location via the G.P.S.

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<sup>1</sup> Applicant's independent claims 1 and 11 recite methods comprising, among other things, receiving one or more weather signals on at least a first channel of a navigation device. Applicant's independent claim 18, as amended, also recites a method comprising, among other things, receiving one or more weather signals on at least a first channel of a navigation device. Similarly, Applicant's independent claim 25 describes a computer readable medium having a set of instructions comprising, among other things, instructions for determining one or more positions using a navigation device, and applicant's independent claim 32 teaches a navigation device comprising several elements.  
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coordinate signals received from the G.P.S. satellite 16" (Col. 10, lines 35-37). So, Lemelson provides a warning unit that can calculate its position and communicate with a monitor/response center (*i.e.*, it provides a current location only and does not provide navigation). Applicant respectfully submits, however, that neither of these features constitutes or is taught to be a navigation device, as recited in the claims. Thus, Lemelson fails to teach all the elements recited in independent claims 1, 11, 25, and 32.

Based on the forgoing, Applicant respectfully submits that Lemelson fails to support a proper anticipatory rejection as the document fails to teach all the elements as recited in Applicant's independent claims 1, 11, 18, 25, and 32. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claims 1, 11, 18, 25, and 32, as well as those claims that depend there from.

§103 Rejection of the Claims

Claims 5, 14, 23, and 34 were rejected under 35 USC § 103(a) as being unpatentable over Lemelson.

Claims 6, 24, 28, 35 and 40 were rejected under 35 USC § 103(a) as being unpatentable over Lemelson in view of U.S. Patent No. 6,509,833 to Tate.

Claims 5, 14, 23, and 34 depend from independent claims 1, 11, 18, and 32 respectively and, as such, Applicant believes are allowable based on the arguments provided above. Similarly, claims 6, 24, and 28 depend from claims 1, 18, and 25 respectively, and claims 35 and 40 depend from claim 32 and, as such, Applicant believes are also allowable based on the arguments provided above. Specifically, each and every element of Applicant's independent claims 1, 11, 18, 25, and 32 are not taught or suggested in Lemelson. Furthermore, the Tate reference fails to cure the deficiencies of Lemelson. That is, neither reference teaches or suggests a navigation device, as recited in claims 1, 11, 25, and 32.

Therefore, reconsideration and withdrawal of the §103 rejection for claims 5, 6, 14, 23, 24, 28, 34, 35, and 40 is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791.

**Additionally, please direct all future correspondence regarding this case to:  
DEVON A. ROLF, ESQ., 1200 E. 151ST ST., OLATHE, KS 66062.**

**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 2<sup>nd</sup> day of August, 2004.

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